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Michael Rannow
c/o Vacutec GmbH
(bzw. Nero Energy GmbH),
Max-Planck-Str. 11
53577 Neustadt (Wied)-Fornthal
Germany

In re Application of
OSER *et al*
U.S. Application No.: 10/583,925
PCT No.: PCT/EP2004/0053654
Int. Filing Date: 22 December 2004
Priority Date: 22 December 2003
Attorney Docket No.: 5151-19PUS
For: A METHOD OF TRANSFORMING
HEAT ENERGY TO MECHANICAL
ENERGY IN A LOW-PRESSURE
EXPANSION DEVICE

Dear Mr. Rannow:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in cursive script that reads "James Thomson".

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

COHEN, PONTANI, LIEBERMAN & PAVANE
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DECISION

This decision is in response to applicants' "Petition Under 37 CFR § 1.47(a)" filed 10 August 2007.

BACKGROUND

On 09 April 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 10 August 2007, applicants filed a response which was accompanied by, *inter alia*, the subject petition; the surcharge fee; a two-month extension and fee; a declaration signed by one of the two named inventors; a declaration by Erwin Oser; and other documentary evidence (Exhibits A - C).

DISCUSSION

Applicants claim that joint inventor Michael Rannow refuses to cooperate in the above-identified application and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 09 April 2007.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors. All items have been satisfied.

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Concerning item (1), the petition fee of \$200.00 has been paid.

Regarding item (2), the 37 CFR 1.47(a) applicants' submitted a letter from the nonsigning inventor which constitutes a written refusal to cooperate as contemplated in section 409.03(d) of the MPEP. Moreover, the 37 CFR 1.47(a) applicant has submitted other evidence showing that a complete copy of the application was forwarded to Mr. Rannow and postal receipts indicate that it was received on 03 November 2006. This is sufficient to show a refusal to cooperate pursuant to section 409.03(d) of the MPEP and meets item (2) above.

With regards to item (3), the last known address of Michael Rannow is listed as:

c/o Vacutec GmbH
(bzw. Nero Energy GmbH),
Max-Planck-Str. 11
53577 Neustadt (Wied)-Fornthal
Germany

Concerning item (4), the 37 CFR 1.47(a) applicants submitted a declaration signed by one of the two co-inventors on behalf of themselves and the nonsigning joint inventor. The residence, address and citizenship of both inventors are recorded on the declaration. This declaration meets the requirements of section 409.03(a) and is in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 22 December 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 10 August 2007.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


James Thomson
Attorney Advisor

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